

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES E. SHELTON, individually and on behalf of all others similarly situated,

Plaintiff,

V.

EMPWR SOLAR LLC

Defendant.

Case No. 2:24-cv-6870

CLASS ACTION

JURY TRIAL DEMANDED

**[PROPOSED ORDER GRANTING]
MOTION TO COMPEL EMPWR SOLAR LLC
TO PROVIDE DISCOVERY RESPONSES
AND FOR SANCTIONS**

AND NOW, this _____ day of _____, 202____, upon consideration of the Plaintiff's Motion to Compel and for Sanctions, this Court does hereby ORDER, DECREE, and ADJUDGE:

- Defendant is ordered to produce complete, unobjected to responses to Interrogatories 2 and 8 identifying the full names, last known addresses, email addresses, phone numbers, and other contact information, for the individuals and entities responsive thereto to permit the Plaintiff to ascertain other parties having discoverable information and/or involvement in the calls at issue.
- Defendant is ordered to produce documents responsive to Request for Production 19.
- Defendant is ordered to produce documents responsive to Request for Production 20, including classwide calling records of the calls made by Defendant, or for the Defendant,

to permit the Plaintiff to conduct expert analysis, including for the purposes of class certification.

- Plaintiff has demonstrated that sanctions under Rule 37 are warranted, owing to the case law holding that the Plaintiff is entitled to the compelled information, rendering the failure to produce substantially unjustified.
- The Plaintiff has suffered prejudice by the non-production of such information, including through the delay in proving up requirements for class certification under Rule 23 and necessitating the filing of the instant motion.
- Counsel for Plaintiff shall file a bill of costs outlining the final attorneys' fees and costs surrounding the Plaintiff's motion.
- After notice and an opportunity to be heard on such fees and costs, Defendant is ordered to pay the sanctions as outlined in Plaintiff's subsequent bill of costs directly to counsel for Plaintiff within 30 days.

J.